

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT ALAN HEIBEL,

Petitioner,

Case No. 1:11-cv-155

v.

HON. JANET T. NEFF

PEOPLE OF THE STATE OF
MICHIGAN,

Respondent.

ORDER

This is a habeas corpus petition filed pursuant to 28 U.S.C. § 2254. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on October 7, 2013, recommending that this Court deny the petition. The Report and Recommendation was duly served on the parties. Service of the Report and Recommendation on Petitioner was returned, marked “forward time exp” and “rtn to send” (Dkt 27). A second attempt was returned, marked “return to sender”, “not deliverable as addressed” and “unable to forward” (Dkt 28). No objections have been filed, see 28 U.S.C. § 636(b)(1), and the Court issues this Order. The Court will also issue a Judgment in this § 2254 proceeding. *See Gillis v. United States*, No. 12-3397, 2013 WL 4779112, at *2 (6th Cir. Sept. 9, 2013) (requiring a separate judgment in habeas proceedings).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Dkt 26) is APPROVED and ADOPTED as the Opinion of the Court and the petition for habeas corpus relief (Dkt 1) is DENIED for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that a certificate of appealability pursuant to 28 U.S.C.

§ 2253(c) is DENIED as to each issue asserted. *See* RULES GOVERNING § 2254 CASES, Rule 11 (requiring the district court to “issue or deny a certificate of appealability when it enters a final order”). Petitioner has not demonstrated that reasonable jurists would find the Court’s rulings debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473 (2000); *Murphy v. Ohio*, 263 F.3d 466, 466-67 (6th Cir. 2001).

Dated: October 29, 2013

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge